

REMARKS

Unrelated to patentability, the applicants have amended claims 12-18 to address the Examiner's objection.

Claims 1-3, 6, 10, 11-13 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Galyas (U.S. Patent Number 6,687,226). Respectfully disagreeing with these rejections, reconsideration is requested by the applicant(s).

Independent claim 1 recites "**determining, by the PCU, a data traffic level which is an amount of data that will need to be conveyed by the backhaul link for transmission during the transmit period, assuming that wireless unit coding schemes are maximized according to present wireless channel conditions.**" Independent claim 11 recites a "PCU comprising... a controller...adapted to **determine a data traffic level which is an amount of data that will need to be conveyed by the backhaul link via the PCU network interface for transmission during the transmit period, assuming that wireless unit coding schemes are maximized according to present wireless channel conditions.**" The Examiner cites various portions of Galyas in the rejection of claims 1 and 11. These portions are quoted below with some adjacent text included for context. Galyas column 3, lines 1-33 reads (emphasis added):

Basically, the IP based BSS 100 operates to address a situation within an IP network 110 where a terrestrial link 112 is overloaded by gracefully degrading a transmission rate of at least one call. More specifically, the IP based BSS 100 and method 200 operate to **measure (step 202) a delay in passing the at least one call through the terrestrial link 112 , and determining (step 204) if the measured delay exceeds a predetermined value.** In response to an affirmative answer, the IP based BSS 100 and method 200 operate to downgrade (step 206) the transmission rate of the at least one call to accommodate the overloaded terrestrial link 112 . Otherwise, the IP based BSS 100 and method 200 operate to maintain (step 208) the transmission rate of the at least one call.

The IP based BSS 100 includes an IP gateway 120 , a central control node 130 and a base station transmitter (BTS) 140 each coupled to the IP network 110 by terrestrial link(s) 112 (e.g., payload link(s)) and/or signalling link(s) 114 . The IP gateway 120 (e.g., interface unit) includes a signalling terminal # 7 (ST 7) 122 and at least one transcoder 124 collectively used to convert between IP based transmissions and circuit switched

transmissions including speech and data received from or transmitted to a mobile switching center (MSC) 150. In addition, the IP gateway 120 includes at least one packet control unit (PCU) 126 used to convert between IP based transmissions and packet switched transmissions including data received from or transmitted to a serving general packet radio service support node (SGSN) 160. The PCU 126 also prioritizes which one of two users that send a communication at the same time will be given priority. In addition, the PCU 120 also handles a Radio Link Control (RLC) protocol which controls logical signalling channels and link adaption.

Galyas column 6, lines 28-41 (emphasis added):

In the fourth embodiment, the BTS 140 includes an end-point 612 having a buffer 614 located within the application level 302. The buffer 614 (described in greater detail below) operates to monitor the delay in passing packet based call(s) through one of the terrestrial links 112 (see FIG. 1) in the IP network 110. And, when the delay as measured by the buffer 614 exceeds a predetermined value then the transmission rate (e.g., service bandwidth) of one or more of the packet based calls on the terrestrial link is downgraded to accommodate the downlink overload instead of disconnecting the call(s). The predetermined value can be a value corresponding to a QOS requirement or a value corresponding to the size of the buffer 518.

Galyas column 7, lines 17-27 (emphasis added):

Moreover, this also leads to a reduction in bandwidth on the payload signal to the mobile terminal 170. For example, in the uplink direction, the PCU 126 detects the overload situation and commands the mobile terminal 170 that wants to send data to use a stronger channel coding than what is needed to reduce the payload sent over the radio interface as well as over the terrestrial links. Therefore, for GPRS, the effect will be a longer delay to send the data; while in the speech case (AMR), the effect is a reduced bitrate for the speech coder resulting in slightly lower speech quality while maintaining an acceptable delay.

Galyas describes monitoring the delay in passing packet based call(s) through one of the terrestrial links and downgrading the transmission rate of one or more of the packet based calls on the terrestrial link when the delay as measured by the buffer exceeds a predetermined value. However, the applicants submit that this is a substantially different approach than that described in the present claims. Rather than measuring or monitoring a delay in passing packet based call(s) through one of the terrestrial links, the claims recite determining an amount of data that will need to be conveyed by the

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backhaul link for transmission during a transmit period. Thus, the claims describe a forward-looking operation (how much data will need to be conveyed) during a transmit period and are focused on an amount of data rather than a delay incurred.


Furthermore, claims 1 and 11 refer to determining a link capacity of a backhaul link for conveying data to be transmitted during a transmit period. These claims also refer to reducing a coding scheme of at least one wireless unit for the transmit period in order to reduce the data traffic level to fit within the data capacity of the backhaul link. Thus, the data traffic level is effectively throttled for the transmit period to avoid overloading the data capacity of the backhaul link. Therefore, the applicants submit that Galyas, particularly as cited by the Examiner, does not teach or suggest what is presently claimed.

Since none of the references cited, either independently or in combination, teach all of the limitations of independent claims 1 or 11, or therefore, all the limitations of their respective dependent claims, it is asserted that neither anticipation nor a prima facie case for obviousness has been shown. Furthermore, no amendment made was related to the statutory requirements of patentability and no amendment made was for the purpose of narrowing the scope of any claim. No remaining grounds for rejection or objection being given, the claims in their present form are asserted to be patentable over the prior art of record and in condition for allowance. Therefore, allowance and issuance of this case is earnestly solicited.

The Examiner is invited to contact the undersigned, if such communication would advance the prosecution of the present application. Lastly, please charge any additional fees (including extension of time fees) or credit overpayment to Deposit Account No. 502117 - Motorola, Inc.

Respectfully submitted,
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By: _____


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